

**GOVERNMENT OF INDIA
TRIBAL AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:689

ANSWERED ON:06.02.2017

Forest Right Titles

Sharma Shri Jugal Kishore

Will the Minister of TRIBAL AFFAIRS be pleased to state:

(a) whether the benefits available under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 have been provided to the forest dwelling communities in the country and if so, the details thereof;

(h) the number of claims for distribution of titles/patta received under the Act and the number of titles/patta out of them distributed, rejected and pending indicating the total number of claims disposed off in percentage terms, State/UT-wise;

(c) whether the collective claims have also been considered under the said Act, and if so, the number of collective claims received during each of the last three years; State/UT-wise;

(d) whether the provisions of the said Act have not been implemented in all the States across the country; and

(e) if so, the details and the implementation status thereof, State/UTwise along with steps taken/being taken by the Government for its better effective and expeditious implementation in all the States in the country?

Answer

MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS
(SHRI JASWANTSINH BHABHOR)

(a) Yes Madam. As per the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006 (In short FRA) and rules thereunder, responsibility for implementation of the Act lies with the States/UTs. As per the information received from State Governments, till 30th November, 2016, a total of 17,30,729 titles (16,82,537 individual and 48,192 community claims) have been distributed.

(b) The information is at Annexure-1.

(c) The Community Forest Rights claims are also considered under FRA. Section 3 (I) of FRA, 2006 inter-alia, provides for the following forest right, which secure individual or community tenure or both, of forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers on all forest lands namely:-

(i) rights to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribes or other traditional forest dwellers;

(ii) community rights such as nistar, by whatsoever name called, including those used in erstwhile Princely States, Zamindari or such intermediary regimes;

(iii) right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;

(iv) other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;

The information of number of community forest rights claims received during the last three years is at Annexure-II

(d) As already stated in the reply to part (a) above, the responsibility for implementing the provisions of the Forest Rights Act lies with the State Governments. In fact, different states are at different stages of implementation of the Act. As far as North-East States are concerned, Mizoram has notified its adoption in the entire State in 2010. Nagaland is in process of examining the law. Manipur, Meghalaya and Arunachal Pradesh feel that the FRA is not so relevant because of the prevalent customary community ownership of forest land. In Sikkim there are no forest dwelling STs and Other Forest Dwellers in the true sense of the term and most of STs of Sikkim hold revenue land in their own name and they are not solely dependent on the forests for their livelihood.

(e) Details of implementation status of FRA are at Annexure-1, as already mentioned in reply to part (b) above. The information regarding steps taken for effective implementations of FRA is at Annexure-III.

Annexure referred to in reply to part (b) of Lok Sabha Starred Question No. 689 for 06.02.2017 regarding Forest Right Titles asked by Sh. Jugal Kishore, M.P.

State-wise Status of Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 as on 30.11.2016

S. No. States No. of Claims received upto 30.11.2016 No. of Titles Distributed upto 30.11.2016 No. of Claims Rejected No. of Claims Pending % Claims disposed off with respect to claims received

Individual Community Total Individual Community Total

1	Andhra Pradesh	1,50,345	4,493	1,54,838	83,874	1,319	85,193	55,282	14,363	90.72%
2	Assam	1,48,965	6,046	1,55,011	57,325	1,477	58,802	37,669	58,540	62.23%
3	Bihar	8,022	8,022	222	222	4,102	3,698	53.90%		
4	Chhattisgarh	8,60,364	8,60,364	3,47,789	3,47,789	5,07,907	4,668	99.46%		
5	Goa	9,372	361	9,733	0	3	23	9,707	0.27%	
6	Gujarat	1,82,869	7,229	1,90,098	73,163	3,875	77,038	0	1,13,060	40.53%
7	Himachal Pradesh	5,409	283	5,692	238	108	346	2,162	3,184	44.06%
8	Jharkhand	1,03,625	3,403	1,07,028	52,573	1,850	54,423	25,791	26,814	74.95%
9	Karnataka	3,66,040	6,208	3,72,248	8,159	144	8,303	1,88,943	1,75,002	52.99%
10	Kerala	36,140	1,395	37,535	24,599	24,599	7,889	5,047	86.55%	
11	Madhya Pradesh	5,74,795	42,156	6,16,951	2,06,960	27,252	2,34,212	3,74,718	8,021	98.70%
12	Maharashtra	3,46,653	8,953	3,55,606	1,06,063	4,187	1,10,250	2,30,732	14,624	95.89%
13	Odisha	6,18,384	13,433	6,31,817	3,99,996	5,513	4,05,509	1,50,133	76,175	87.94%
14	Rajasthan	70,582	685	71,267	36,038	36,038	35,139	90	99.87%	
15	Tamil Nadu	18,420	3,361	21,781	0	0	0	21,781	0.00%	
16	Telangana	2,11,973	3,769	2,15,742	99,486	761	1,00,247	99,377	16,118	92.53%
17	Tripura	1,93,751	277	1,94,028	1,24,541	55	1,24,596	65,902	3,530	98.18%
18	Uttar Pradesh	92,520	1,124	93,644	17,712	843	18,555	74,945	144	99.85%
9	Uttarakhand	182	182	0	1	181	0.55%			
20	West Bengal	1,31,962	10,119	1,42,081	43,799	805	44,604	97,415	62	99.96%
	TOTAL	41,30,373	1,13,295	42,43,668	16,82,537	48,192	17,30,729	19,58,130	5,54,809	86.93%

Annexure-II

State Name Claims Received

Upto 2014 Upto 2015 Upto Nov, 2016

Andhra Pradesh* 10,959 10,959 4,493

Assam 5,193 5,193 6,046

Bihar # # #

Chhattisgarh # # #

Gujarat 7,182 7,228 361

Himachal Pradesh 283 283 7,229

Jharkhand # 2,734 283

Karnataka 4,575 6,208 3,403

Kerala 1,395 1,395 6,208

Madhya Pradesh 40,352 40,913 1,395

Maharashtra 6,074 7,152 42,156

Odisha 12,480 12,866 8,953

Rajasthan 652 654 13,433

Tamil Nadu 3,361 3,361 685

Telangana* 0 3,672 3,361

Tripura 277 277 3,769

Uttar Pradesh 1,123 1,124 277

Uttarakhand # # 1,124

West Bengal 3,241 10,119 10,119

TOTAL 97,147 1,14,138 1,13,295

Annexure referred to in reply to part (c) of the Lok Sabha Unstarred Question No. 689 for 06.02.2017 asked by Shri Jugal Kishor, M.P. regarding "Forest Right Titles"

State-wise details of Community Forest Right Claims received during last three years

The bifurcated data regarding Individual and Community Claims/Titles has not been received from the State/UT Governments.

*Andhra Pradesh has been sending the figures for both Andhra Pradesh and Telangana combined till June, 2016, which they have corrected now.

Annexure-III

Annexure referred to in reply to part (e) of Lok Sabha Unstarred Question No. 689 for 06.02.2017 asked by Sh. Jugal Kishore, M.P regarding 'Forest Right Titles'

After lapse of more than four years of implementation of the Act the Ministry had observed that the flow of intended benefits of this welfare legislation to the eligible forest dwellers had remained constrained and that several problems were impeding the implementation of the Act in letter and spirit. In order to overcome those lacunae and strengthen the existing FR Rules, 2008, the Ministry notified the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 in the Gazette of India on 6.9.2012.

The Ministry has issued comprehensive guidelines to the State/UT Governments on 12.7.2012 for better implementation of the Act. The guidelines relate to the process of recognition of rights, minor forest produce, community rights, community forest resource rights, protection against eviction, diversion of forest lands and forced relocation, and awareness raising, monitoring and grievance redressal.

After issue of said amendments and said guidelines, a number of Regional Consultations/Workshops were organized Nation-wide on Implementation of FRA.

A training module was also published, which is useful for Government functionaries on FRA, for frontline staff in the implementation of the Act.

Further, a booklet of Frequently Asked Questions (FAQ) has also been brought out, which seeks to addresses some of the questions raised during the Regional Consultations related to the process of recognition of rights, evidence requirements, ownership over minor forest produce, rights over community forest resource, protection against eviction, definition of OTFDs, convening of Gram Sabha at hamlet/habitation level, recognition of habitat rights of PTGs etc.

Translation of Act, Rules and clarifications into local language through TRIs.

Guidelines on conservation of forest villages into revenue villages issued on 8.11.2013.

A letter dated 3.3.2014 was issued to all the States where the States were asked to issue the Records of Rights under FRA along with the name of caste/tribe so that in future people do not have difficulty in obtaining caste certificate and Rights holders under FRA have to be issued Records of Rights under Revenue code/law so as to mainstream them and treat them at par with other land holders.

States where there were high rates of rejection of claims, Ministry of Tribal Affairs have written several letters expressing concern over non acceptance of evidence and State Government's insistence of particular type of evidence such as satellite imagery etc. States have now started reviewing the rejected claims and many of the wrongly rejected claims are being examined. Directions to State Governments to expedite recognition of Community Rights have been issued.

Close Monitoring through Monthly Progress Reports, visits and Video Conferencing are done.

In order to take up FRA on a campaign mode, the Ministry of Tribal Affairs has taken following steps:

• Ministry of Tribal Affairs has written to the Chief Secretaries of the State Governments where the FRA implementation progress is low. Ministry has also drawn up a suggestive road map and shared it with the States so that they can draw up action plan in a time bound manner.

• Ministry has also written to the other States where implementation is going on well to address certain specific issues pending in those States.

• Joint review meetings with Ministry of Home Affairs and Ministry of Tribal Affairs were undertaken with Principal Secretaries/Secretaries of States of the 35 worst affected LWE district on FRA implementation. The issue of high rate of rejection was reviewed with them and the States were directed to review the wrongly rejected claims.

• A consultation was organized under the chairmanship of Secretary Tribal Affairs where the nine low performing states participated to take up FRA on a campaign mode and implement the Act in a time bound manner.

• A video conference was organized with other States where some steps have been taken on implementation to expedite the pending work.

• All the State have been advised to take support of geo referenced images and technology to support other evidences for claims and also for re-examination of reject claims.

• The Ministry is constantly monitoring the progress of implementation by the States and is persistently writing to the State Governments giving clarifications and suggestions for better implementation of the Act.

• National Resource Centre at TRI Campus, Odisha has been set up by the Ministry of Tribal Affairs to augment capacity of States for effective implementation of Forest Right Act. National Resource Centre has been entrusted with the job of preparing training materials, modules and conduct training programmes to train master trainers on FRA not only for Odisha but also for other States who are implementing FRA.

• Sufficient guidance has already been given to the States from time to time on various issues on FRA by holding as many Regional Consultations including two National Level Consultations.
